IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition (M/S) No. 543 of 2002

Chandra Singh Rawat, S/O Late Sri Tara Singh Rawat,
R/O Ward No. 6, Nagar Palika Parishad, Pauri Garhwal,
Srinagar Motor Road, P.O. Pauri,
District Pauri Garhwal (Uttaranchal).

… **Petitioner.**

Versus

1. District Judge, Pauri Garhwal at Pauri,
   District Pauri Garhwal.
2. The Civil Judge (Jr. Division.) Srinagar,
   Distt. Pauri Garhwal.
3. Magan Singh, S/O Late Sri Nagmal Singh
4. Smt. Deva Devi wife of Sri Magan Singh
   Both R/O Ward No. 6 Nagar Palika Parishad, Pauri Garhwal
   Srinagar Motor Road, P.O. Pauri, District Pauri Garhwal
   Uttaranchal.

…. **Respondents.**

Sri U.P.S. Negi, Advocate, learned counsel for the petitioner.
Learned Standing Counsel for the respondents No. 1 & 2.

Dated February 28, 2006.

PC: (Hon'ble B.S. Verma, J.)

The petitioner has filed this writ petition for setting aside the order dated 24.8.2000 passed by Civil Judge (Jr. Div.) Srinagar, District Pauri Garhwal (**Annexure 7**) and order dated 3.7.2002 passed by the District Judge Pauri Garhwal (**Annexure-8**). By the order dated 24.8.2000, the respondent no.2, the respondent no.2 had rejected the application of the petitioner moved under Order 39, Rules 1 and 2 C.P.C. for ad interim injunction in Civil Suit No. 4 of 2000 and by order dated 3.7.2002, the respondent no. 1 has dismissed the Misc. Civil Appeal filed by the petitioner against the aforesaid order.

Relevant facts of the case are that the petitioner filed Civil Suit No. 4 of 2000, Chandra Singh Rawat Vs. Magan Singh and another in the Court of Civil Judge (Junior Division) Pauri

Garhwal for easementary rights as well as for permanent injunction. Plaintiff-petitioner also moved application for temporary injunction under Order 39, Rules 1 and 2 C.P.C., which was dismissed by the impugned order dated 24.8.2000 passed by the respondent no.2. Aggrieved, the plantiff preferred Misc. Civil Appeal No. 16 of 2000 before the District Judge, which was ultimately dismissed by the judgment and order dated 3.7.2002.The plaintiff-petitioner has come up before this Court being aggrieved by the impugned orders.

I have heard the learned counsel for the petitioner as well as learned Standing Counsel for the State and perused the entire material on record. The Civil Suit is pending since the year 2000.

In the course of arguments, the learned counsel for the petitioner conceded that the interest of justice would be served if a time bound direction is issued to the respondent no.2 for expeditious decision of the Civil Suit.

Accordingly, I direct the Civil Judge (Junior Division) Pauri Garhwal to decide the Civil Suit No. 4 of 2000, Chandra Singh Rawat Vs. Magan Singh and another, pending disposal in his court, expeditiously preferably within a period of six months from today.

With the above observations, the writ petition is disposed of finally.

RCP **(B.S. Verma, J.)**